

Notice of Allowability

Application No.

09/637,728

Examiner

Richard Fults

Applicant(s)

JENNIGES ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on 6/7/2004.
2. ☒ The allowed claim(s) is/are 1,4-7,10,13,16 and 19-22.
3. ☒ The drawings filed on 11 August 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 2005/3
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

[Signature]

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DETAILED ACTION

1. Claims 1, 4-7, 10, 13, 16, and 19-22 are allowed.
2. The following is an examiner's statement of reasons for allowance:

The Applicant has claimed a method of different bidders bidding at an auction using different incentive reward program values, all of which bids are converted and displayed to each bidder in the incentive reward type of the viewing bidder.

The key features are: 1) different bidders can use different incentive reward values to bid on the same item at auction, 2) all bids are displayed to each bidder in the bidder's own incentive reward type value.

The closest prior art of record is Copple et al (US 6,178,408 B1), which invention contains a method of redeeming collectible promotional points for promotional items through an auction by using those collected points to bid on those items. The primary example of collectible points given by Copple et al is the use of coupons removed from merchandise after purchase.

Copple et al makes no claims regarding the use of multiple types of collectible points being used by different bidders for a single bid item in the same auction, nor does Copple et al make any claims about the conversion of values between different collectible point programs for display to each bidder in their own collectible point program value.

The partial focus of Copple et al is the inventory management of the promotional items up for bid, the requirement for parental approval for minors to bid, and the gathering of consumer profile information. There is no rationale within Copple et al that would teach the use of multiple incentive rewards for the same bid items or the conversion of different incentive rewards into the type used by each bidder, nor is there any reason suggested to combine with any other art to apply against those two specific features of the Applicant.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 6/7/2004 has been entered. The reason for the RCE was the filing of a new IDS dated 6/7/2004 which cited a Canadian case and several web sites: see enclosed miscellaneous letter from attorney dated 2/22/2005. All of these new references were examined but none were found to have valid prior art grounds for rejection of this case.

4. The prior art of record, although not cited above, is considered pertinent to one or more of Applicant's claimed inventions:

Best Foreign Case:

Crusin et al (WO 92/15174), 1992, which teaches the use of different currencies in an auction, which are translated from the bid currency into the other currencies.

Best Non Patent Literature:

New Offers in Frequent Flier Plans, St. Louis Post Dispatch, 9/26/89, Edition 3S, Section DOLLARS/SENSE, page 5D, which teaches the use of frequent flier miles as bids in an auction sponsored by an airline.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Fults whose telephone number is 703-305-5416. The examiner can normally be reached on weekdays from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough, can be reached on (703)-305-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



RCF

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